

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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RECD
FBI
S. J. L. G. J. G. J. G.
FBI

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-02-114-S-BLW

KENNETH L. PUGH,

ORDER

Defendant.

The Court has before it a Report and Recommendation (Docket No. 12) filed by the United States Magistrate Judge. On September 6, 2002, Defendant Kenneth L. Pugh appeared before the Magistrate Judge to enter a change of plea pursuant to a written plea agreement. The Magistrate Judge conducted the plea hearing and concluded there is a factual basis for Defendant's plea of guilty to Counts Four and Thirteen of the Indictment (Docket No. 1), and that it was entered voluntarily and with full knowledge of the consequences. No objections to the Report and Recommendation have been filed.

The Court now has reviewed the record *de novo*, has reviewed the presentence report, and finds that the requirements of Rule 11 have been met. *See U.S. v. Reyna-Tapia*, 294 F.3d 1192 (9th Cir. 2002). Specifically, the Court finds that the Magistrate Judge adhered to the requirements of Rule 11(c); that under Rule 11(d), the Defendant's plea was voluntary and not the result of force or threats or of promises apart from the plea agreement; and that a factual basis for the plea exists. *See id.* Accordingly,

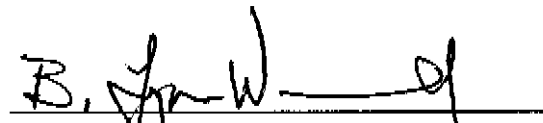
NOW THEREFORE IT IS HEREBY ORDERED that the Report and Recommendation

(Docket No. 12) shall be, and the same is hereby, ADOPTED as the decision of the District Court and incorporated fully herein by reference.

IT IS FURTHER ORDERED that the Defendant's plea of guilty to Counts Four and Thirteen of the Indictment (Docket No. 1) shall be, and the same is hereby, ACCEPTED by the Court as a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

IT IS FURTHER ORDERED that Kenneth L. Pugh is found to be GUILTY as to the crimes charged in Counts Four and Thirteen of the Indictment (Docket No. 1).

DATED this 19th day of November, 2002.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
November 19, 2002

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:02-cr-00114

I certify that a copy of the attached document was mailed or faxed to the following named persons:

George William Breitsameter, Esq. 1-208-334-1413
US ATTORNEY'S OFFICE
Box 32
Boise, ID 83707

Leo N Griffard Jr, Esq.
PO Box 2006
Boise, ID 83701

U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

☒ Chief Judge B. Lynn Winmill
☐ Judge Edward J. Lodge
☐ Chief Magistrate Judge Larry M. Boyle
☒ Magistrate Judge Mikel H. Williams

Cameron S. Burke, Clerk

Date: 11-19-02

BY: *DX*
(Deputy Clerk)